

United States v. Adams, No. 24 Cr. 556 (DEH)

Exhibit B

March 25, 2025 Government Submission



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

March 7, 2025

BY ECF

The Honorable Dale E. Ho
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Eric Adams*, 24 Cr. 556 (DEH)

Dear Judge Ho:

The Government respectfully submits this letter in response to the defendant's January 18, 2025 letter. (Dkt. 99). Adams's letter discusses an article authored by Damian Williams, who was United States Attorney for the Southern District of New York from October 10, 2021, until December 13, 2024. Whatever may be said about Williams's article, it is unclear how rhetoric in an article written by a private person, appearing in a private publication, could entitle Adams to relief in a criminal case. Adams does not, and could not reasonably, claim that the article reveals any grand jury information. Nor does Local Rule 23.1 provide for relief against the Government based on statements made by an individual who is plainly beyond the control of either party, especially where those statements are not specifically about the defendant or this case. *See United States v. Combs*, No. 24 Cr. 542 (AS), 2024 WL 4719584, at *1 (S.D.N.Y. Nov. 8, 2024) (discussing limit of Rule 23.1 to those participating in a matter).

Adams argues that Williams's article "should be considered" by the Court in reviewing his latest motion claiming leaks of grand jury material. (Dkt. 99 at 3). But Adams's leaks motion concerns testimony that he describes as occurring shortly before December 22, 2024 (Dkt. 83 at 2), and thus *after* Williams left office. Moreover, Adams's claim that the article prejudices him is difficult to square with the fact that Adams appears more interested than anyone in maximizing media coverage of the events about which he purports to complain: The news story on the purported leaks had "an unusual source"—Adams's attorney.¹ And Adams has done all he can to amplify Williams's article by ensuring its sentiments were repeated in a prominent New York City national-newspaper.²

Commented [AR1]: Spiro's 23.1 argument is that Damian is "associated with" us within the meaning of the rule because of his former employment here. The control response is a pretty good one, but I'm not seeing it specifically embraced by Combs, and I'm also not sure it's fully satisfying. If Brendan McGuire weren't still repping the campaign, and then he started criticizing the case in the press, we would be pretty upset about it.

So without actually getting into the analysis, these additions are an attempt to put more distinctions into the air.

Commented [HS2R1]: I would keep this simpler and not add these distinctions. DEH is not granting relief here, and the point to me is just to separate ourselves from DW. Combs doesn't literally say control but it is about how witnesses can't be bound, which should be the same as our point. To me the point about the statements not naming EA feels a little too lawyerly—almost a technicality in this context since DW was obviously referring to EA.

Commented [HS3]: Not sure I get this. The NYP definitely has a national readership these days, even if it didn't a decade ago.

¹ See William K. Rashbaum & Dana Rubinstein, "Federal Grand Jury Has Heard More Evidence in Case Against Mayor Adams," *N.Y. Times* (Jan. 10, 2025), <https://www.nytimes.com/2025/01/10/nyregion/eric-adams-corruption-grand-jury.html>.

² See Rich Calder, "NYC Mayor Eric Adams' legal team trying to get public corruption case tossed by claiming ex-top fed prosecutor tainted jury pool," *N.Y. Post* (Jan. 18, 2025), <https://nypost.com/2025/01/18/us-news/nyc-mayor-eric-adams-legal-team-trying-to-get-public->

Page 2

Instead, Adams's latest filing should be viewed in light of his shifting attempts to suggest that he was indicted for any reason other than his crimes. At the outset of the case, Adams contended that his indictment resulted from a policy disagreement with the prior presidential administration arising in October 2022. That claim disintegrated when discovery made clear that the investigation into Adams began more than a year earlier, based on concrete evidence that Adams had accepted illegal campaign contributions. (See Dkt. 83 at 3 & n.2; Dkt. 89 at 2 & Ex. C). Having offered one false theory about the origins of the case, Adams's latest, self-publicized attempt to shift the focus away from the evidence of his guilt should be ~~taken with a grain of salt~~³. And lest Adams claim the absence of saying this suggests otherwise, ~~Williams did not and did not cause simply direct that Adams to be investigated and charged to further the political ambitions Adams ascribes to him.~~ The evidence of Adams's crimes ~~resulted was uncovered by from career law enforcement officers and line prosecutors performing their duties, in an investigation that began before Williams took office and that has continued after he left. And the decision to charge Adams was made by a grand jury, after the decision to present an indictment was made and approved at multiple levels of the Department of Justice. It was that evidence they gathered that led a grand jury in this District to return an indictment which any U.S. Attorney would have signed.~~

Respectfully Submitted,

DANIELLE SASSOON
United States Attorneyby: _____ /s/
Celia Cohen
Andrew Rohrbach
Hagan Scotten
Derek Wikstrom
Assistant United States Attorneys
[REDACTED] [REDACTED] [REDACTED]

cc: Counsel of Record (by ECF)

corruption-case-tossed-by-claiming-ex-top-fed-prosecutor-tainted-jury-pool (repeating Williams's statement that the City is "being led with a broken ethical compass" based on Adams's filing with this Court, which was "first seen" by the *Post*, and published at 6:42 p.m. on January 18, 2025—three minutes before Adams filed with this Court).

³ To be clear, the Government is not accusing Adams's attorneys of making false statements to the Court. Adams's attorneys could not know with certainty that their client's claim was false until they reviewed discovery, and they have not repeated that claim since they received discovery. (Cf. Dkt. 76 at 3 (noting that defense counsel now knew "this narrative was false"); Dkt. 80 (vigorously contesting the motion in Dkt. 76, but not repeating Adams's false claim or disputing its falsity)).

Commented [HS4]: I don't want to say "rejected" because I don't want to ask anyone to reject the theory that DW had a political motive in bringing this case. Seems pretty plausible to me. "Grain of salt" was an attempt to capture the idea that EA doesn't have much credibility here whatever you think of DW.

Commented [AR5]: Not opposed to keeping the footnote as is, but would want to understand the reasoning more.

Commented [HS6R5]: The reasoning is to make the point that EA's lawyers haven't attempted to defend the Biden-prosecution theory, and to do so in way that explains EA was totally wrong and even his lawyers know it while also making it difficult for them to now turn around and say, oh, no we believe that too.

Commented [HS7]: Don't agree with this change for to reasons: (1) a US Attorney *could* order an investigation all on his own, even if we know DW didn't do that here, and (2) I don't want to say anything that picks a fight with EA's accusation of political ambitions against DW: DW obviously has political ambitions, and I think suggesting we doubt that just costs us credibility.

Commented [HS8]: I don't think either of these points help us. Not to repeat, but there's no world in which saying the Biden Justice Dept approved this helps us. I don't like the grand jury point because I think we are trying to be "real" here: We want the judge and everyone else to believe us when we say DW didn't cause this prosecution, and hiding behind the grand jury will sound disingenuous to knowledgeable readers, since GJs will come pretty close to indicting ham sandwiches.